

Appl. No. : 10/783,412
Filed : February 20, 2004

REMARKS

In the Office Action mailed April 18, 2005, the Examiner objected to the specification and further rejecting pending Claims 1 – 16 as being anticipated under 35 U.S.C. Section 102 (b) by the Pay reference (U.S. Patent No. 5,710,043). By this paper, the Applicant has amended the specification to remove the German language notations noted by the Examiner and has further amended the pending claims of the application to highlight the subject matter that the Applicant believes is allowable over the art of record. Hence, reconsideration of the above-captioned application, in light of the amendments and remarks contained herein is now respectfully requested.

In the Office Action, the Examiner rejected Claims 1 – 16 in light of the Pay reference. However, after carefully reviewing Pay, the Applicant notes that Pay fails to disclose a first and second connecting means that inhibits relative movement of the at least one insert with respect to the carrier (*See, e.g.*, Claim 1, as amended). As discussed in the specification of the application, the Applicant's invention defines a set of connecting means that "unambiguously" engage with each other such that relative movement of the insert with respect to the carrier is inhibited.

In marked contrast, Pay contemplates that its insert, even when inserted, is movable with respect to the carrier (*See, e.g.*, Pay Col 2, lines 51 – 55, and Col 3, line 24 – 34). Pay contemplates that the insert will be rotatable and vertically adjustable even when the threads are engaged with each other. Hence, Pay does not contemplate "inhibiting relative movement of the at least one insert with respect to the carrier" as a result of the "unambiguous" interconnection of the first and second connecting means within the meaning of Claim 1 as amended. For this reason, the Applicant believes that Claim 1 as amended distinguishes the art of record. The Applicant further believes that Claims 8 and 15 are also allowable as similar limitations have been included into these claims.

Further, with respect to Claim 1, the Applicant has amended Claim 1 to define either the first or second connecting means as a grip. As discussed in the specification, this allows a user or a machine to grasp the insert without having to grasp the sidewall and be exposed to the compounds contained within the insert (*See, e.g.*, Page 5, paragraph 18, Page 11, Paragraph 43). The threads of the Pay reference cannot function as a grip within the meaning of Claim 1 as they

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do not extend outward sufficiently from the side walls of the insert. Thus, for this additional reason, the Applicant believes that Claim 1, as amended, is allowable over the art of record.

SUMMARY

For the foregoing reasons, the Applicant believes that Claims 1, 8 and 15 are allowable over the art of record. The Applicant further believes that Claims 2, 3, 5 – 7, 9 – 14 and 16 define additional patentable subject matter and are further allowable over the art of record based upon their respective dependencies of Claims 1, 8 and 15. Hence, the Applicant believes the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application, the Examiner is respectfully requested to call the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8/18/05

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